

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS PCS,)	
LLC D/B/A AT&T MOBILITY FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY IN THE COMMONWEALTH)	2017-00369
OF KENTUCKY IN THE COUNTY OF BUTLER)	

ORDER

On September 12, 2017, New Cingular Wireless PCS, LLC, a Delaware limited liability company d/b/a AT&T Mobility (“AT&T Mobility”), filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 270 feet in height, with attached antennas, to be located at 5545 Caneyville Road, Morgantown, Butler County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18’37.54” by West Longitude 86° 37’27.59”.

AT&T Mobility has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a licensed professional engineer has certified the plans.

Pursuant to 807 KAR 5:063, AT&T Mobility has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to

807 KAR 5:063, AT&T Mobility has filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention. Mr. Coty Whittinghill filed a request to intervene on September 20, 2017. Mr. Whittinghill stated that he opposes the location of the Morgantown, Kentucky cell tower due to concerns about potential decrease in property value of neighboring properties. AT&T Mobility filed a response to Mr. Whittinghill's request to intervene on September 29, 2017. On December 8 2017, the Commission filed an Order denying intervention to Mr. Whittinghill based upon the standard set forth in 807 KAR 5:001, Section 4(11). The Commission found that Mr. Whittinghill failed to provide sufficient evidence to support his assertions, and was, therefore, unlikely to present issues or develop facts that would assist the Commission in considering this matter. The documents filed by Mr. Whittinghill seeking intervention were deemed public comments pursuant to the December 8, 2017 Order.

AT&T Mobility filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Mobility has demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the

facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Mobility should notify the Commission if the antenna tower is not used to provide service in the manner set out in the application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Mobility.

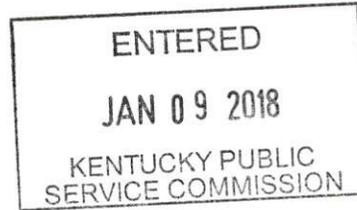
IT IS THEREFORE ORDERED that:

1. AT&T Mobility is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 270 feet in height, with attached antennas, and to be located at 5545 Caneyville Road, Morgantown, Butler County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 18'37.54" by West Longitude 86° 37'27.59".

2. AT&T Mobility shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence file.

By the Commission



ATTEST:


Executive Director

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